

AFFIDAVIT

Your Affiant, Janna Penfield, deposes and states:

1. Your Affiant is a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) and have been since August 6, 2018. Prior to becoming a Special Agent with ATF, Your Affiant was a United States Probation Officer with the United States Probation Department through the Southern District of Ohio from October 2014 through January 2018. Additionally, from August 2007 through October 2014, Your Affiant was a Parole Officer through the State of Ohio, which included a special assignment position with the United States Marshal Service as a Task Force Officer on the Southern Ohio Fugitive Apprehension Strike Team. Your Affiant has completed the Federal Criminal Investigator Training Program and the ATF Special Agent Basic Training at the Federal Law Enforcement Training Center in Glynco, Georgia. Your Affiant has also completed the Initial Pretrial and Probation Training Program at the Federal Law Enforcement Training Center in Charleston, South Carolina, and the State of Ohio Parole Academy in Columbus, Ohio. In addition to the firearms, arson, and explosives related training received in these courses, Your Affiant has also conducted and participated in investigations involving firearms and narcotics.

2. All of the information contained in this affidavit is the result of either Your Affiant’s own personal observations or investigation or has been provided to Your Affiant by other law enforcement officers.

3. This Affidavit is submitted in support of a search warrant for buccal swabs for DNA material from the person of Devin HILLMON (hereinafter referred to as HILLMON), date of birth November 2, 1984. HILLMON is suspected of being in possession of firearms while under a legal disability, in violation of 18 U.S.C. 922(g)(1). Because this Affidavit is submitted for the limited

purpose of demonstrating probable cause for the issuance of the requested warrant, it does not contain each and every fact known about this case by Your Affiant or the investigating agencies.

4. Deoxyribonucleic acid (DNA) is genetic coding material, which is unique to each individual. Laboratory analysis of DNA material can establish whether material, such as saliva, skin, hair, or blood came from a particular individual. Because DNA is sometimes left behind on physical items previously touched by a particular individual, DNA evidence can be useful, admissible evidence in demonstrating that a particular person at one time was in possession of a particular piece of physical evidence, or present at a particular location or in a particular vehicle.

5. On February 23, 2023, members of the United States Marshal Service (USMS) Southern Ohio Fugitive Apprehension Strike Team (SOFAST) traveled to 1195 ½ Faber Avenue, Columbus, Ohio in an attempt to arrest Devin HILLMON for having outstanding warrants through Franklin County Court of Common Pleas for Possession of Narcotics (Docket Number 19CR004047) and through Franklin County Municipal Court for Felonious Assault (Docket Number 2021CRA011736). Prior information through search warrants and other investigative tools indicated HILLMON was residing at this residence.

6. Upon arrival, members of USMS SOFAST received information that HILLMON was inside the residence. USMS knocked on the door at the residence and talked to an individual believed to be HILLMON through a security system. The individual speaking through the security system denied he was HILLMON; however, an individual on scene who is familiar with HILLMON's voice heard the individual speaking and advised it was HILLMON. Based upon this information, USMS SOFAST forced entry into the residence. Once inside the residence, suspected narcotics, a firearm, ammunition, firearms accessories, and narcotics paraphernalia were observed in plain view. At that time, HILLMON was not located within the residence.

7. A search of HILLMON's criminal history showed that HILLMON has a prior conviction in the Franklin County Court of Common Pleas for Trafficking in Drugs (F3), Docket Number 10CR004031. Therefore, HILLMON is prohibited from possessing a firearm and/or ammunition. Based upon this information, on February 23, 2023, ATF Task Force Officer (TFO) Samuel Chappell obtained a search warrant through Franklin County Municipal Court for the residence of 1195 ½ Faber Avenue, Columbus, Ohio 43207.

8. Upon obtaining the search warrant, ATF agents and TFOs executed the search warrants and seized the following items: one (1) Taurus, model G2C, 9mm pistol bearing s/n: ACB496425 loaded with 2 rounds of ammunition; one (1) Beretta, model 950, .25 caliber pistol bearing s/n: BER38001V loaded with 8 rounds of ammunition; one (1) Glock, model 22, .40 caliber pistol bearing s/n: BVKX352 with two (2) extended magazines; one (1) Sig Sauer, model P238, .380 caliber pistol bearing s/n: 27A079114 loaded with 7 rounds of ammunition; 13 grams of suspected narcotics; 52 grams of suspected narcotics; 113 rounds of assorted ammunition and an ammo can; three (3) firearm locks and one (1) extended magazine; suspected Glock switch; one (1) extended rifle magazine; four (4) assorted magazines and part of a pistol grip; 319 rounds of assorted ammunition.

9. Based upon HILLMON not being located within the residence on Faber Avenue, the warrants remained active and USMS SOFAST continued their efforts to locate HILLMON. On March 9, 2023, USMS SOFAST traveled to 900 Eaton Avenue, Apartment B, Columbus, Ohio after receiving information that HILLMON was residing at this residence with Delatrice Edgington (B/F; DOB: 09/09/1989). Edgington and HILLMON are known to have an ongoing romantic relationship. Edgington is also the victim of the above referenced Felonious Assault.

10. Upon arrival, USMS conducted surveillance and observed a dark colored Mercury sedan parked outside the residence with dealership plates. This vehicle is known to be driven by HILLMON. USMS SOFAST approached the apartment, knocked and announced their presence, and were greeted at the door by Edgington. Edgington advised HILLMON was inside the residence and was surrendering. At that time, HILLMON appeared from a back bedroom with his hands in the air and walked towards USMS where he was placed under arrest without incident. Edgington invited USMS into the apartment and provided both verbal and written consent to search the apartment for illegal contraband. In the bedroom HILLMON exited from a baggie of suspected narcotics and a Glock, model 43X, 9mm pistol bearing s/n: BSEU063 were located. As mentioned above in paragraph #7 of this Affidavit, HILLMON has prior that federally prohibit him from possessing a firearm and/or ammunition.

11. On March 13, 2023, Special Agent Janna Penfield spoke with ATF Interstate Nexus Expert Special Agent Jason Burns who provided a verbal determination that Taurus, Beretta, Glock, and Sig Sauer firearms are not manufactured in the State of Ohio. Thus, the aforementioned firearms must have traveled in interstate commerce to be found in the State of Ohio.

12. Based on the foregoing, I believe probable cause exists to issue a search warrant and obtain a DNA sample from the person of HILLMON, as this DNA sample may constitute evidence of violations of 18 U.S.C. 922(g)(1) (felon in possession of a firearm). Therefore, I request the Court allow me and other authorized law enforcement officers to take a cotton swab and place it inside the mouth of HILLMON, rubbing the inside of his cheek to obtain cellular material – this method allows officers to obtain saliva and/or topical or oral skin cells, by means of an oral swab. Based on my training and experience, I know that this procedure is quick, painless and involves minimal intrusion into the body. This warrant also permits authority to execute the

search warrant with force if necessary.



Janna Penfield, Special Agent
Bureau of Alcohol, Tobacco, Firearms and
Explosives

This affidavit was sworn to by the affiant
by telephone after a PDF was transmitted
by email, per Crim R. 41(d)(3) on
this 16th day of March, 2023.



Elizabeth A. Preston Deavers
United States Magistrate Judge

Deavers

